

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WAIVE THE APPLICATION OF THE SOURCE SELECTION METHODS PRESCRIBED IN THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO RATIFY THE PRIOR PROVISION OF LEASED EQUIPMENT UNDER THE MASTER LEASE AGREEMENT WITH DELL MARKETING, L.L.P FOR DESKTOP AND LAPTOP COMPUTERS AND TO EXERCISE THE PURCHASING OPTION OF LEASE NUMBERS 37371 AND 37902 FOR DESKTOP AND LAPTOP COMPUTERS ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED EIGHTY-TWO THOUSAND, SIX HUNDRED NINE DOLLARS AND NINE CENTS (\$82,609.09) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050212 (IT SERVER MANAGEMENT) 5424003 (COMPUTERS \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS).

WHEREAS, the City of Atlanta ("City") executed cooperative leasing agreements utilizing Western States Contracting Alliance ("WSCA") Contract Number A6337 with Dell Marketing L.L.P. ("Dell"), to enter into two, three-year computer leases to replace the city's aging computers; and

WHEREAS, lease number was executed January 17, 2006 for three annual payments in the amount of Two Hundred Seventy-Three Thousand, Four Hundred Ninety Dollars and Ninety-Seven Cents (\$273,490.97) per year for 40 Tablets, 443 Monitors, 403 Desktops and 1 Laptop; and

WHEREAS, lease number was executed October 20, 2006 for three annual payments in the amount of One Hundred Eleven Thousand, Eight Hundred Fifty-Five Dollars and Fifty-Five Cents (\$111,855.55) per year for 201 computers for APD; and

WHEREAS, all of the lease payments for lease numbers 37371 and 37902 have been tendered; and

WHEREAS, pursuant to the terms of the leases the City has the option to either purchase the equipment at the end of the lease for the fair market value or return the equipment; and

WHEREAS, the City desires to exercise its option to purchase the computers at fair market value, which has been established as Fifty-One Thousand, One Hundred Nine Dollars and Nine Cents (\$51,109.09) under lease number 37371 and Thirty-One Thousand, Five Hundred Dollars and No Cents (\$31,500.00) under lease number 37902,

for a total cost of Eighty-Two Thousand, Six Hundred Nine Dollars And Nine Cents (\$82,609.09); and

WHEREAS, the Chief Information Officer and the Chief Procurement Officer recommend exercising the purchasing option in the lease in lieu of returning and replacing the leased computers.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 2, Article X of the City of Atlanta's Code of Ordinances is hereby waived to the extent that it prescribes specific source selection methods for the goods and services rendered by Dell. to the City, and that the City's actions in accepting services provided by Dell for the lease of desktop and laptop computers, are ratified and confirmed.

SECTION 2: That the Mayor or his designee is authorized to exercise the purchasing option in WSCA Contract # B27160 with Dell to purchase computers in an amount not to exceed Eighty-Two Thousand, Six Hundred Nine Dollars And Nine Cents (\$82,609.09).

SECTION 3: that the purchase of the computers will be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050212 (IT Server Management) 5424003 (Computers \$5,000+) 1535000 (Data Processing/Management Information Systems).

SECTION 4: That the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate documents for execution by the Mayor or her designee.

SECTION 5: That the Agreement will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor or his designee, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the contracted parties.



MN-WSCA/NASPO PC Contracts

[Home](#)[1999 - 2004
Contracts](#)[2004 - 2009
Contracts](#)[How to Participate](#)[2009 - 2014
Contracts](#)

What's New
Customer
Survey

WESTERN STATES CONTRACTING ALLIANCE MASTER PRICE AGREEMENT for

COMPUTER EQUIPMENT, SOFTWARE, PERIPHERALS AND RELATED
SERVICES

Quick Links:

- [WSCA](#)
- [NASPO](#)

2009-2014 (WSCA/NASPO III) Dell Marketing L.P. Number B27160

This Agreement is made and entered into by **Dell Marketing L.P., One Dell Way Mailstop 8708, Round Rock, TX, 78682 ("Contractor")** and the Department of Administration ("State") on behalf of the State of Minnesota, participating members of the National Association of State Procurement officials (NASPO), members of the Western States Contracting Alliance (WSCA) and other authorized Participating States and Participating Entities.

CONTRACTOR CONTACT

Dell Marketing L.P.
One Dell Way Mail Stop 8708
Round Rock, TX 78682
Attn: Stephanie Miller
Email: stephanie_g_miller@dell.com
Phone: 512-723-4355
Fax: 512-283-9092

CURRENT CONTRACT TERM

Agreement Term

Pursuant to Minnesota law, the term of this Agreement shall be effective upon the date of final execution by the State of Minnesota or on **9/1/2009, whichever is later, through 8/31/2012** (3 years). The Agreement has been renewed for **two (2) years, through 8/31/2014**, unless terminated pursuant to the terms of this Agreement.

Dell Website: www.dell.com/naspowsca

B27160 Master Price Agreement (with all amendments)

B27160 - Dell Model Participating Addendum

You will need **Adobe Acrobat Reader** to print or view PDF files. Adobe also provides

Dell Government Leasing
1000 S. McCaslin Blvd
Superior, CO 80027

06/08/2009
1 page quotation

Toni Booth-Comer
City of Atlanta
Dept. of Information Technology
404-330-6417
Email: tboothcomer@AtlantaGa.Gov

Re: End of Lease Purchase Options for Equipment on **Lease Agreement: 37902**

Toni,

Dell Government Leasing is pleased to provide the following Lease Purchase Option for the above referenced lease schedules.

Effective 10/20/2009 ("Effective Date"):

Purchase price	\$31,500.00
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All pricing included in this quote is effective 10/20/2009 ("Effective Date"), and assumes all rental payments/late fees/applicable sales and property taxes are made through that date, will invoice Property Tax liability incurred to date, and all subsequent Property Tax reporting is the responsibility of the lessee.

All payment and other obligations of the Lessee under the Lease must be satisfied and there must be no continuing defaults there under on the Effective Date. If Lessee fails to pay the Purchase price for the Equipment and applicable taxes within 14 days of invoicing, Lessee shall be liable for additional monthly rentals (in the same amount as currently due under the Lease) for each month (full or partial) from the Effective Date until the Purchase price and all such additional monthly rentals are paid in full. All advanced payments/deposits are included in the purchase price, and refunds will not be given. Purchase of the Equipment will be without representations or warranties, express or implied, by Dell Government Leasing, which sells the Equipment on an "AS IS, WHERE IS" basis.

Please indicate your acceptance by signing below and fax a copy to **216-370-9264** to expedite. This quote will remain valid through **10/01/2009**. If Lessee's signed acceptance is not received as of such date, the Lease, including Lessee's obligation to pay rent there under, will remain in full force and effect.

Please call me at 720-304-1568 if you have any questions.

Regards,

Betsy Stephenson

Betsy Stephenson
Analyst – Asset Management/Remarketing

Agreed & Accepted:

By: _____
Signature: Dan Smith M&A
Title: CIO
Date: 12-16-09

12/9/2009

Dell Government Leasing
11030 Circle Point Dr.
Suite 200
Westminster, CO 80020

CITY OF ATLANTA
ACCOUNTS PAYABLE
55 TRINITY AVE STE G-700
ATLANTA GA 30303
ATTN: TONI BOOTH-COMER

Notice of Right to Cure

RE: Equipment Financing ("Financing") under Account No. 37371/ Equipment Purchase/ PO # MY06310385

Dear CITY OF ATLANTA:

You are a lessee of the Financing described above, and this notice is to advise you that the above-referenced account is in default due to non-payment. You have failed to respond to our prior communications regarding the delinquency. As of this date, the account is delinquent for the following:

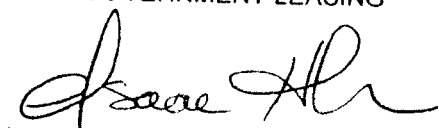
Lease #	Inv #	Due Date	Amount Due
37371	12612526	08/25/09	51,109.09

The total delinquency is now 51,109.09.

You have the Right to Cure the account if you bring the account current within twenty-one (21) days from the date of this letter, if you fail to do so, we will accelerate all future payments due under this Financing. In addition to the acceleration of the obligations due under the Financing, we may initiate both the repossession of any equipment subject to this Financing ("Equipment") and/or further action to secure repayment of your obligation, including, but not limited to, referral of your account to an outside collection agency or a law firm for collection action. If we refer the account to an attorney or outside collection agency for collection, you can be held responsible to pay our collection fees and costs, including, without limitation, reasonable attorney fees and legal costs. If we have to take possession of the Equipment, you can be held responsible to pay the cost of repossession.

Your immediate attention to this matter is required. Govern your actions accordingly.

DELL GOVERNMENT LEASING



Isaac Hudson
Collection Department
866-533-3408 Ext. 1114

WE MAY REPORT INFORMATION ABOUT YOUR ACCOUNT TO CREDIT BUREAUS. LATE PAYMENTS, MISSED PAYMENTS OR OTHER DEFAULTS ON YOUR ACCOUNT MAY BE REFLECTED IN YOUR CREDIT REPORT.

Handwritten: LBS 12-14-09
Signature: L. Smith

Legislation Summary

Committee of Purview:

Caption

An ordinance authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Dell Marketing, L.L.P. in an amount not to exceed eighty two thousand six hundred nine dollars and nine cents (\$82,609.09). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050212 (IT Server Management), 5424003 (Computers \$5,000+), 1535000 (Data Processing/Management Information Systems).

Council Meeting Date: **March 01, 2010**

Legislation Title: **Ordinance authorizing the Chief Procurement Officer to Remit Payment utilize in Pursuant to waive Article X ("The Procurement and Real Estate Code") of the Atlanta City Code to Ratify the Prior Provision of Leased Equipment under the Master Lease Agreement with Dell Marketing, L.L.P for Desktop and Laptop Computers and to Exercise the Purchasing Option of Lease Numbers 37371 and 37902 for Desktop and Laptop Computers on behalf of the Department of Information Technology in an amount not to exceed eighty two thousand six hundred nine dollars and nine cents (\$82,609.09). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050212 (IT Server Management), 5424003 (Computers \$5,000+), 1535000 (Data Processing/Management Information Systems).**

Requesting Department: **Department of Information Technology**

Contract Type: **N/A**

Source Selection: **Waive Article X ("The Procurement and Real Estate Code") of the Atlanta City Code**

Bids/Proposals Due: **N/A**

Invitations Issued: **N/A**

Number of Bids/ Proposals Received:	N/A
Bidders/Proponents:	N/A
Justification Statement:	N/A
Background:	N/A
Fund Account Centers:	1001 (General Fund), 050212 (IT Server Management), 5424003 (Computers \$5,000+), 1535000 (Data Processing/Management Information Systems).
Source of Funds:	N/A
Fiscal Impact:	N/A
Term of Contract:	N/A
Method of Cost Recovery:	N/A
Approval: DOF: DOL:	
Prepared By:	Patricia Lowe, Buyer
Contact Number:	404.330.6583

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WAIVE THE APPLICATION OF THE SOURCE SELECTION METHODS PRESCRIBED IN THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO RATIFY THE PRIOR PROVISION OF LEASED EQUIPMENT UNDER THE MASTER LEASE AGREEMENT WITH DELL MARKETING, L.L.P. FOR DESKTOP AND LAPTOP COMPUTERS AND TO EXERCISE THE PURCHASING OPTION OF LEASE NUMBERS 37371 AND 37902 FOR DESKTOP AND LAPTOP COMPUTERS ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED EIGHTY-TWO THOUSAND, SIX HUNDRED NINE DOLLARS AND NINE CENTS (\$82,609.09) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050212 (IT SERVER MANAGEMENT) 5424003 (COMPUTERS \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS).

Council Meeting Date: March 1, 2010

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

DIT would like to ratify the prior provision of the three (3) year agreement for with Dell & exercise the purchasing option in WSCA Contract # B27160 with Dell to purchase computers in an amount not to exceed Eighty-Two Thousand, Six Hundred Nine Dollars And Nine Cents (\$82,609.09).

2. Please provide background information regarding this legislation.

The City executed a cooperative purchasing agreements utilizing Western States Contracting Alliance ("WSCA") Contract Number A6337 with Dell Marketing L.L.P. ("Dell"), to enter into two, three-year computer leases to replace the city's aging computers; and lease number 37371 was executed January 17, 2006 for an annual amount of \$273,490.97 per year & lease number 37902 was executed October 20, 2006 for an annual amount of \$111,855.55 per year for 201

computers for APD. Pursuant to the terms of the leases the City has the option to either purchase the equipment at the end of the lease for the fair market value or return the equipment.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Equipment Lease
- (b) **Source Selection:** Cooperative Purchase
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:** n/a

4. **Fund Account:** 1001 (General Fund) 050212 (IT Server Management) 5424003
(Computers \$5,000+) 1535000 (Data Processing/Management
Information Systems)

5. **Source of Funds:**

6. **Fiscal Impact:** \$82,609.09

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-335-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: January 26, 2010

Anticipated Committee Meeting Date(s): February 10 & 24, 2010

Anticipated Full Council Date: March 1, 2010

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WAIVE THE APPLICATION OF THE SOURCE SELECTION METHODS PRESCRIBED IN THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO RATIFY THE PRIOR PROVISION OF LEASED EQUIPMENT UNDER THE MASTER LEASE AGREEMENT WITH DELL MARKETING, L.L.P FOR DESKTOP AND LAPTOP COMPUTERS AND TO EXERCISE THE PURCHASING OPTION OF LEASE NUMBERS 37371 AND 37902 FOR DESKTOP AND LAPTOP COMPUTERS ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY IN AN AMOUNT NOT TO EXCEED EIGHTY-TWO THOUSAND, SIX HUNDRED NINE DOLLARS AND NINE CENTS (\$82,609.09) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050212 (IT SERVER MANAGEMENT) 5424003 (COMPUTERS \$5,000+) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEMS).

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: _____
(date)

Reviewed by: _____
(date)

Submitted to Council: _____